

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rule making related to hospital licensing board

The Inspections and Appeals Department hereby amends Chapter 6, “Uniform Waiver and Variance Rules,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 10A.104(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, 2020 Iowa Acts, House File 2627.

Purpose and Summary

This rule making removes references to the Hospital Licensing Board. The Hospital Licensing Board was eliminated through 2020 Iowa Acts, House File 2627.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 7, 2021, as **ARC 5551C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on May 12, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on July 21, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend rule ~~481—6.2(10A,17A,ExecOrd11)~~, definition of “Attached units,” as follows:
“*Attached units*” means units attached to the department and includes the employment appeal board, ~~hospital licensing board~~, state citizen foster care review board, racing and gaming commission, and state public defender’s office.

ITEM 2. Amend subrule 6.11(1) as follows:

6.11(1) *Director/board discretion.* The decision on whether the circumstances justify the granting of a waiver or variance shall be made at the discretion of the director upon consideration of all relevant factors, except for the below-listed programs, for which the applicable board, commission or state public defender shall make the decision, upon consideration of all relevant factors:

- a.* Employment appeal board, 486—Chapter 1.
- ~~*b.* Hospital licensing board, 481—Chapter 51.~~
- ~~*c.* b. State citizen foster care review board, 489—Chapter 1.~~
- ~~*d.* c. Racing and gaming commission, 491—Chapter 1.~~
- ~~*e.* d. State public defender’s office, 493—Chapter 1.~~

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/2/21.